

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN PARKER, III,  
Plaintiff,

v.

JEFF LYNCH, et al.,  
Defendants.

No. 2:23-cv-0754 DC CSK P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the Further Scheduling Order filed July 23, 2025, plaintiff's pretrial statement was due on August 29, 2025. (ECF No. 53.) Defendants' pretrial statement is due on September 12, 2025. (*Id.*) Plaintiff did not file his pretrial statement. Accordingly, plaintiff is ordered to show cause why this action should not be dismissed for his failure to file a pretrial statement.

On September 8, 2025, plaintiff filed a pleading titled, "Motion to Obtain Witness/Attendance Statement." (ECF No. 57.) In this pleading, plaintiff states that his former counsel filed a motion for the attendance of an incarcerated witness at trial. (*Id.* at 1.) Plaintiff states that plaintiff no longer seeks the attendance of all witnesses who were interviewed. (*Id.*) Plaintiff states, "Let the record reflect that the only witness that will be showing before the court is the plaintiff..." (*Id.*) In the pending motion, plaintiff appears to request that the court

1 disregard the motion for the attendance of an incarcerated witness filed by his former counsel.

2 Plaintiff was previously represented by counsel. On July 14, 2025, plaintiff's former  
3 counsel filed a motion for the attendance of an incarcerated witness at plaintiff's trial. (ECF No.  
4 47.) On July 16, 2025, the Honorable William B. Shubb granted the motion to withdraw filed by  
5 plaintiff's former counsel. (ECF No. 51.) On July 22, 2025, this Court vacated the motion for the  
6 attendance of an incarcerated witness filed by plaintiff's former counsel because plaintiff was  
7 now proceeding without counsel. (ECF No. 52.) In the Further Scheduling Order, this Court  
8 advised plaintiff that because plaintiff represents himself, plaintiff must file his own pretrial  
9 statement and motion to obtain the attendance of witnesses. (ECF No. 53 at 1.) Therefore,  
10 plaintiff's pending request for the court to disregard the motion for the attendance of an  
11 incarcerated witness filed by plaintiff's former counsel is denied as unnecessary.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Within fourteen days of the date of this order, plaintiff shall show cause why this  
14 action should not be dismissed for his failure to file a pretrial statement; failure to respond to this  
15 order will result in a recommendation of dismissal of this action;

16 2. Defendants are relieved from filing a pretrial statement; and

17 3. Plaintiff's motion to obtain witnesses (ECF No. 57) is denied for the reasons discussed  
18 in this order.

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20 Dated: September 10, 2025

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22 CHI SOO KIM  
23 UNITED STATES MAGISTRATE JUDGE

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